

The Honorable Lauren King

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARC CAGEY OREIRO,

Defendant.

NO. 2:25-cr-00138-LK

DISCOVERY PROTECTIVE ORDER

This matter, having come to the Court's attention on the parties' joint motion for entry of a discovery protective order, and the Court, having considered the motion, and being fully advised in this matter, pursuant to Fed. R. Crim P. 16(d)(1), hereby enters the following PROTECTIVE ORDER:

1. **Protected Material.** For purposes of this Order, "Protected Materials" shall include (1) Grand Jury testimony; (2) witness statements; (3) medical records; (4) Fire/Run Reports (5) body worn video; (6) Ring camera audio/video recordings; and (7) other personal identifying information ("PII").<sup>1</sup>

<sup>1</sup> "PII" includes, but is not necessarily limited to, the information identified in Fed. R. Crim. P. 49.1(a) and includes full names, dates of birth, Social Security numbers (or other identification information), financial account information (including account numbers), tax information, driver's license numbers, addresses, telephone numbers, locations of residences or employment, medical records, school records, juvenile criminal records, and other

1           **2. Designation of Protected Material.** The Protected Material shall be  
2 designated by the government, on the material itself, in a placeholder if the electronic file  
3 cannot be marked (as is the case with certain native files), or on a physical label affixed to  
4 a disk or other media, using the following designation “PROTECTED MATERIAL”. The  
5 failure to designate any materials as Protected shall not constitute a waiver of a party’s  
6 assertion that the materials are covered by this Protective Order. If material is later found  
7 to be covered by this Protective Order, the government will re-produce a properly  
8 designated copy of the material.

9           **3. Production of Protected Material to the Defense.** The United States will  
10 make available copies of the Protected Materials, including those filed under seal directly  
11 to defense counsel to comply with the government’s discovery obligations, and/or to a  
12 Coordinating Discovery Attorney, should one be appointed. Possession of copies of  
13 Protected Material is limited to attorneys of record, their office staff, investigators,  
14 paralegals, assistants, and law clerks, as well as necessary third-party vendors, consultants,  
15 and/or experts (hereinafter collectively referred to as “members of the defense team”). At  
16 all times, members of the defense team shall be subject to the terms of this order. Further,  
17 the attorneys of record are required to make available, prior to disseminating any copies of  
18 the Protected or Sensitive Materials to members of the defense team, a copy of this  
19 Protective Order to members of the defense team.

20           **4. Restrictions on use with Artificial Intelligence Tools.** The Protected  
21 Material shall not be loaded into an artificial intelligence (AI) tool or model, generative or  
22 not, where rights to the data are retained by any party that has not explicitly agreed to be  
23 covered by the protective order.

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27 confidential information. The government has endeavored to redact PII as appropriate, but the parties acknowledge  
and agree that this will not always be possible, and that in some instances un-redacted PII may be necessary to the  
defense.

1           **5. Review of Protected Material by Defendant.** The attorney(s) of record and  
2 members of the defense team may share and review the Protected Material with Defendant.  
3 If Defendant is in custody at the Federal Detention Center (FDC), he/she will be permitted  
4 to review the Protected Material, consistent with the regulations established by the BOP,  
5 with or without counsel, in a controlled environment at the Federal Detention Center  
6 (FDC), but will be prohibited from printing out, copying, disseminating, or otherwise  
7 retaining the discovery. If Defendant is on pretrial release, he/she will be permitted to  
8 review the Protected Material at the offices of his/her counsel, but will be prohibited from  
9 printing out, copying, or disseminating the discovery.

10           **6. Limits on Dissemination of Protected Materials.** The attorney(s) of record  
11 and members of the defense team acknowledge that providing copies of the Protected  
12 Material to Defendant and other persons is prohibited and agree not to duplicate or provide  
13 copies of the Protected Material to Defendant and other persons. Members of the defense  
14 team, defendants, and any others to whom disclosure of the content of Protected Material  
15 may be necessary to assist with the preparation of the defense, shall not disclose the  
16 Protected Material or its contents, other than as necessary for the preparation of defenses  
17 at trial and in subsequent legal proceedings, if necessary. This order does not limit  
18 employees of the United States Attorney's Office for the Western District of Washington  
19 from disclosing the Protected Material to members of the United States Attorney's Office,  
20 law enforcement agencies, witnesses, and the Court and defense as necessary to comply  
21 with the government's discovery obligations.

22           **7. Future Production of Additional Protected Materials.** Additional types of  
23 discovery items may be deemed by the parties to constitute Protected Material upon  
24 agreement, or (if no agreement can be reached) by further order of the Court.

25           **8. No Waiver.** Nothing in this order should be construed as imposing any  
26 substantive discovery obligations on the government that are different from those imposed  
27 by case law and Rule 16 of the Federal Rules of Criminal Procedure.

1           9.     **Use of Protected Material in Court.** Any Protected or Sensitive Material  
2 that is filed with the Court in connection with pre-trial motions, trial, or other matter before  
3 this Court, shall be filed under seal and shall remain sealed until otherwise ordered by this  
4 Court. This does not entitle either party to seal their filings as a matter of course. The parties  
5 are required to comply in all respects with the relevant local and federal rules of criminal  
6 procedure pertaining to the sealing of court documents. If the Protected Material to be filed  
7 with the Court was designated as Protected solely because it contains personal-identifying  
8 information, it may be filed publicly, provided it has been redacted in compliance with  
9 Federal Rule of Criminal Procedure 49.1 and Local Criminal Rule 49.1.

10           10.    **Non-Termination.** The provisions of this Order shall not terminate at the  
11 conclusion of this prosecution. Furthermore, after any judgment or disposition has become  
12 final and there are no pending proceedings, challenges, appeals, or habeas motions in the  
13 case, defense counsel shall destroy the Protected Materials. If defense counsel finds that  
14 retention of the Protected Materials in their possession is necessary for authorized reasons,  
15 such as professional or ethical obligations, defense counsel shall retain the Protected  
16 Materials in their case file subject to the restrictions of this Order.

17           11.    **Violation of Order.** Any person who willfully violates this order may be  
18 held in contempt of court and may be subject to monetary or other sanctions as deemed  
19 appropriate by this Court.

20           12.    **Modification of Order.** Nothing in this Stipulation shall prevent any party  
21 from seeking modification of this Protective Order or from objecting to discovery that it  
22 believes to be otherwise improper. The parties agree that in the event that compliance with  
23 this Order makes it difficult for defense counsel to adhere to their Sixth Amendment  
24 obligations, or otherwise imposes an unworkable burden on counsel, defense counsel shall  
25 bring any concerns about the terms of the Order to the attention of the government. The  
26 parties shall then meet and confer with the intention of finding a mutually acceptable  
27 solution. In the event that the parties cannot reach such a solution, defense counsel shall

